

REMARKS

Claims 1-19 are pending in this application. Claims 7-11 and 13-19 have been withdrawn from consideration. Accordingly, claims 1-6 and 12 are before the Examiner.

Election/Restriction

Applicants hereby confirm the telephone election of Group I, claims 1-6 and 12, made without traverse by Ken Mitchell during an August 15, 2008 telephone conversation with Examiner McDowell.

Priority

Applicants note with appreciation the acknowledgement of their 12/22/2003 priority date.

Double Patenting

The Office has presented an obviousness-type double patenting rejection over each of US application nos. 10/524,484 and 10/524,482. Since each of these is provisional in nature, Applicants respectfully request that the rejections be held in abeyance until the claims are otherwise indicated as allowable.

35 U.S.C. § 102

Claims 1, 2, and 4 stand rejection under 35 U.S.C. § 102(b) as allegedly anticipated by Rogers et al., U.S. Patent 3,281,423. The Office alleges that Rogers '423 when D = O, Ar¹ = phenyl, E = a single bond, and G = H reads on Applicants' claims.

Independent claim 1, from which claims 2 and 4 depend have been amended to claim compounds where Ar¹ is furanyl or thiophenyl. Applicants respectfully assert that the amended claim is not anticipated. Withdrawal of the rejection is respectfully requested.

35 U.S.C. § 103

Claims 1-6 and 12 stand rejected under 35 U.S.C. § 103(a) as allegedly obvious over Peters et al. U.S. Patent Application Publication No. 2006/0148789. The amendments discussed above render the rejection moot. Withdrawal of the rejection is respectfully requested.

Support for all amendments made herein can be found throughout the specification and original claims. No new matter has been added.

35 U.S.C. § 112

Claims 1-6 and 12 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking enablement concerning in vivo-hydrolysable precursors. Although Applicants respectfully disagree, as an administrative expedient, the term has been deleted from the claims. Applicants respectfully submit that all claims now satisfy all requirements of 35 U.S.C. § 112.

The Commissioner is hereby authorized to charge any fee or underpayment thereof or credit any overpayment to Deposit Account No. 26-0166.

Early reconsideration and allowance of all pending claims is respectfully requested. The examiner is requested to contact the undersigned attorney if an interview, telephonic or personal, would facilitate allowance of the claims.

Respectfully submitted,
AstraZeneca

Date: December 2, 2008

by: /Michael A. Patané/

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